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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,839	01/09/2006	Silvano Bonadei	ICB0233	3469
24203	7590	10/17/2007	EXAMINER	
GRIFFIN & SZIPL, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			GOODWIN, JEANNE M	
		ART UNIT	PAPER NUMBER	
		2833		
		MAIL DATE		DELIVERY MODE
		10/17/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/563,839	BONADEI, SILVANO
	<b>Examiner</b>	<b>Art Unit</b>
	Jeanne-Marguerite Goodwin	2833

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 7/23/09.

2a)  This action is FINAL.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 6-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 6-12 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 09 January 2006 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
    Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see page 5, lines 3-12, filed July 23, 2007, with respect to the rejection(s) of claim(s) 1-10 under 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US 4470174 to Rhea.

### ***Claim Rejections - 35 USC § 103***

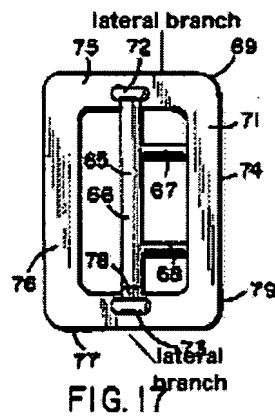
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Rhea.

**Regarding claim 6:** Rhea discloses a band-shaped strap (11), in particular a watch strap, including: at a first end a first strand (15) provided with a buckle (79) and tongue (67, 68) and at a second end a second strand (14) through the thickness of which holes (17) pass (see Fig. 1), intended to be attached in a removable manner to the first strand (15) by engaging in the buckle (79), each strand (14, 15) being formed of a continuous flexible band, the buckle (79) including two lateral branches (see figure below) each provided with a hole (72, 73), a removable transverse bar (66) the ends of which are arranged for engaging in the holes (72, 73) of the branches, and a tongue having an eyelet part (67, 68) rotatably engaged on said bar (66),

the first strand (15) having an end orifice (28, 30) arranged transversely close to a free end of the strand (15), for receiving said bar (66), and an end notch (29) extending from said free end to beyond the end orifice (28, 30) to receive the eyelet part (67, 68) of the tongue (see Fig. 1), wherein the first strand (15) includes a plurality of additional transverse orifices (28, 30) distributed over a certain length of the strand (15) from the end orifice (28, 30) and each associated with an elongated hole (29) passing through the thickness of the strand (15) and intersecting with the associated transverse orifice (28, 30).



Rhea discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 6, i.e., the first strand can be shortened by cutting along a transverse section passing through any one of said elongated holes, the transverse orifice associated with the hole becoming a new end orifice for receiving said buckle bar. Rhea further discloses the second strand (14) comprising vertical lines (18) being placed on the strap (11) at a plurality of holes (17) on the second strand (14) of the strap (11) to facilitate cutting the strap (11) to provide for the an adjustable feature. With respect to the cutting feature: changing the location of the cutting feature from the first strand (14) as shown by Rhea to second strand (15), as claimed by

Applicant, absent any criticality, is also considered an obvious modification of Rhea's device that a person having ordinary skill in the art at the time the invention was made would be able to provide using routine experimentation since the courts have held that there is no invention in shifting the position of a structure to a different position if the operation of the device would not be thereby modified. In re Japikse, 86 USPQ 70 (CCPA 1950). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the cutting feature from the second strand (14) to the first strand (15), since both are alternative types of a cutting feature which will provide the same function, if one is replaced with other, of a one size adjustable feature, as already suggested by Rhea (col. 10, lines 7-26).

**Regarding claim 7:** Rhea discloses the strap (11) according to claim 6, wherein said transverse section associated with each elongated hole (29) is marked by a groove (31) on at least one face of the first strand (15) (see Figs. 20).

**Regarding claim 8:** Rhea discloses the strap (11) according to claim 6, wherein each elongated hole (29) extends from said associated transverse section to beyond the associated transverse orifice (28, 30).

**Regarding claim 9:** Rhea discloses the strap (11) according to claim 6, wherein the strands (14, 15) are made of synthetic material (col. 9, lines 29-30).

**Regarding claim 10:** Rhea discloses the strap (11) according to claim 6, wherein the first strand (15) is a moulded (plastic) (col. 9, lines 29-30).

**Regarding claim 11:** Rhea discloses a device as stated above with regards to claim 6. discloses all the subject matter claimed by applicant with the exception of the limitation stated in claim 6, i.e., the particular synthetic material being polyurethane. With respect to the particular

type of synthetic material, absent any criticality, is only considered to be the use of a "*preferred*" synthetic material out of a plurality of well known synthetic materials commonly used to make strands that a person having ordinary skill in the art at the time the invention was made would have found obvious to provide using routine experimentation based, among other things, on the intended use of applicant's apparatus, i.e., suitability for the intended use of applicant's apparatus. See *In re Leshin*, 125 USPQ 416 (CCPA 1960) where the court stated that a selection of a material on the basis of suitability for the intended use of an apparatus would be entirely obvious.

**Regarding claim 12:** Rhea further discloses the strap (11) according to claim 6, wherein the strap (11) is a watch strap (col. 2, line 67).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Examiner Jeanne-Marguerite Goodwin whose telephone number is (571) 272-2104. The examiner can normally be reached on Monday-Friday (9am-6pm), alternate Fridays off. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2861.

JMG  
10/9/07

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